# COUNTY OF LOS ANGELES
# SHERIFF'S DEPARTMENT

## SHOOTING REVIEW SUMMARY

**INCIDENT:** **Non Hit Shooting (off duty)**

**DATE/TIME:** **March 21, 2018, 0315 hours**

**URN #:** **None**

**IAB #:** **SH 2451226**

**LOCATION:** [redacted]

**SYNOPSIS**

On March 21, 2018, an Internal Affairs Bureau (IAB) Force and Shooting Rollout Team, comprised of Lieutenant James Powers, and Sergeants Scott Chapman and Hank Ortega, responded to the city of [redacted] The response was regarding an off duty, non-hit shooting, involving Deputy Daniel Eifert [redacted], assigned to Metrolink Bureau. Deputy Eifert fired one round from his personally owned handgun, at an unknown suspect, who fled the scene and is still outstanding.

**SUMMARY**

On March 21, 2018, shortly after 0300 hours, Deputy Eifert (Involved employee) was [redacted] the sound of [redacted] gate being opened. [redacted] The gate makes a distinct sound as the metal gate drags on the concrete walkway when opened. [redacted] He was unable to see the gate from this view and angle.

**IAB Note:** **Deputy Eifert's** [redacted]

Deputy Eifert retrieved his personally owned Beretta 92FS, 9 millimeter, handgun and walked out [redacted] to investigate the sound he heard. [redacted] and walked in a northwest direction. Deputy Eifert looked to his right and observed the side yard gate was open approximately two to three feet.

**IAB Note: Deputy Eifert's [redacted] is recessed slightly.**

Deputy Eifert utilized his flashlight that is attached to the barrel of his handgun. He toggled the light on, to view the gate and side yard. As the area was illuminated, he observed a blue object inside the gate, against [redacted]. Immediately upon shining his flashlight on the object, a person (suspect) stood up and turned to face him. This startled Deputy Eifert and he immediately gave verbal commands to the suspect. The suspect side stepped, away from the home toward the front yard, while facing Deputy Eifert. The suspect's hands were concealed behind his waist. As the suspect side stepped away from the home, Deputy Eifert changed his position, mirroring the suspect's, in a counter clockwise motion. Deputy Eifert continually gave verbal commands to get on the ground and [redacted] The suspect and Deputy Eifert were approximately ten feet away from one another. At some point the suspect stopped in the middle of the front yard and stared at Deputy Eifert. Deputy Eifert thought this was odd, as he believed the suspect would have run away.

**IAB Note: [redacted] has an approximate three foot perimeter wall and the driveway did not have anything blocking the suspect's path.**

The suspect's eyes widened, he tensed his body, and leaned forward slightly, while slightly blading his body. The suspect's hands were still concealed behind his waistline. Based on the suspect's body language, Deputy Eifert believed he was about to be assaulted. Deputy Eifert fired one round, aiming at the suspect's waistline.

**IAB Note: Deputy Eifert stated he purposely aimed low, to avoid striking [redacted] across the street.**

After firing one time, the suspect immediately fled from the front yard, westbound down the street and out of view. Deputy Eifert immediately checked his side yard and backyard for any additional suspects. When Deputy Eifert returned to the front yard, he was met by [redacted] who woke up to the gunshot. Deputy Eifert then called [redacted] police department ([redacted]) to report the incident. After calling the police, Deputy Eifert looked westbound down the street to ensure the suspect had fled the area and was not returning. Deputy Eifert then called his lieutenant (Lieutenant Kristin Aloma [redacted]) to report the incident.

## IAB INVESTIGATION

[redacted] Police Department was contacted on scene. Detective [redacted] of [redacted] Police Department was handling the investigation. Detective [redacted] stated his police officers searched the immediate area for the suspect, however, the suspect was not located.

Furthermore, [redacted] Police Department contacted all the local hospitals to determine if the suspect may have shown up with an injury related to the shooting. The suspect was not located at any of the area hospitals. There was no blood trail present, and it was believed the suspect was not struck by the round.

Deputy Eifert provided a statement to Detective [redacted] as to the details of the shooting. Deputy Eifert did not author any memorandum or report. Officer [redacted] conducted a round count on audio (**Exhibit A**) and took possession of Deputy Eifert's handgun. The handgun contained fourteen rounds in the magazine, with one round in the chamber.

**IAB Note: Deputy Eifert stated his handgun contained fifteen rounds in the magazine, with one in the chamber, which is loaded to capacity for that weapon (IAB interview page 5).**

IAB investigators viewed Deputy Eifert's handgun and counted the rounds, which were consistent with [redacted] Police Department's round count and Deputy Eifert's statement he fired one round.

[redacted] Police detectives utilized a metal detector and a physical search, in an attempt to located the expended round. They were unable to locate the round. [redacted] Police officers, located a backpack containing; a spray paint can, miscellaneous tools, a butane torch, miscellaneous kid's toys and clothing. The backpack was located near [redacted] property line wall (east side), and the sidewalk. Detective [redacted] seized the backpack as evidence, believing it may have belonged to the suspect. The backpack and contents were processed for DNA in an effort to possibly identify the owner and potential suspect. The backpack and contents were photographed by [redacted] Police Department. As of December 1, 2018, the DNA processing had not yet been complete. According to Detective [redacted], the DNA request was misplaced, and it was resubmitted on December 19, 2018. Three items from the backpack were sent for DNA testing: Spray can, laboratory receipt # L046870, juice bottle, laboratory receipt # L046871, and a bandana, lab receipt # L046872. Several areas (side gate) and items were printed by [redacted] Police Department in an attempt to identify a suspect. A shoe print was located in a dirt planter on the northeast area of [redacted] yard, close to where the backpack was located.

[redacted] Police Department Crime Scene investigators took numerous photographs of the scene, Deputy Eifert's handgun, a shoe print and the backpack located the scene. The [redacted] Police Department photographs are contained within a compact disk and included with this summary as **Exhibit B**. Thirteen photographs were printed from the disk and are included within this summary as **Exhibit C**.

[redacted] Police Department maintained Deputy Eifert's handgun for processing. Detective [redacted] released Deputy Eifert's handgun back to him on March 27, 2017, however, they did not send the handgun to the Los Angeles County Sheriff's Department (LASD) crime laboratory for function testing.

IAB investigators contacted Deputy Eifert to ascertain if he would voluntarily submit his handgun to the LASD crime laboratory for processing. Deputy Eifert voluntarily submitted his handgun for function testing. The test results were obtained and are included within this summary as **Exhibit D**.

IAB investigators ran firearm ownership records for Deputy Eifert. The results showed the handgun used was registered to Deputy Eifert, and he purchased the Beretta in March 2006, see **Miscellaneous Documents**.

IAB investigators requested and received [redacted] Police Department's report for the shooting. [redacted] Police officers authored an attempted burglary report, 664 / 459 P.C., suspect unknown, under report # 18-031553. The report and supplemental reports are included within this summary as **Exhibit E**. IAB investigators reviewed the criminal report and supplemental reports.

According to the police report, Deputy Elfert stated he was four to five feet away from the suspect when he fired his handgun. During Deputy Eifert's IAB interview he told investigators he believed the suspect was about ten feet away when he fired his handgun. IAB investigators noted [redacted] Police Officer [redacted], who authored a supplemental report, stated the suspect accessed [redacted] west gate. The gate the suspect accessed was actually the east gate, based on other [redacted] Police reports, IAB investigator's observations and Deputy Eifert's statements.

A copy of Deputy Eifert's cell phone call to [redacted] Police Department was provided and reviewed. The audio disk is included within this summary as **Exhibit F**.

[redacted] Police Department provided Officer [redacted] dashboard camera footage, and audio recording of her interaction with Deputy Eifert while on scene. She authored the criminal report and was the handling unit on scene. IAB investigators reviewed the video and audio. IAB investigators noted at 04:11:40 of the recording, Deputy Eifert described the suspect's actions prior to the shooting. The disk contained three video segments from different angles. The audio was identical in all three videos. The video depicted the [redacted] Police car and eastbound Fanshaw Avenue. The video disk is included within this summary as **Exhibit G**.

IAB investigators obtained scene sketch authored by [redacted] Police Crime Scene Investigator Nguyen. The sketch is included within this summary as **Exhibit H**.

## <u>INVOLVED PERSONNEL AND EMPLOYEE WORK HISTORY:</u>

**Deputy Daniel Eifert**
Special Operations Division / Metrolink Bureau

| | |
|---|---|
| Date of Employment: | November 2001 |
| Date assigned to unit: | [redacted] |
| Prior Founded Force Incidents: | [redacted] |

Prior Shooting Incidents: [redacted]
Date Completed Patrol Training: [redacted]

**EQUIPMENT WORN ON PERSON:**

Not applicable- off duty.

**SUSPECT INFORMATION:**

Male Hispanic, 30-35 years old, 5'07", 160 pounds, unknown hair and eye color.

**SUSPECT INJURIES:**

Unknown.

**DEPUTY PERSONNEL INJURED:**

Off duty, not injured.

**PHYSICAL EVIDENCE:**

All physical evidence was collected by [redacted] Police, for details, see page 1 of Crime Scene Investigator Nguyen's report **(Exhibit E).**

**INVESTIGATORS OBSERVATIONS:**

IAB investigators searched the area for any witnesses, surveillance cameras and a bullet hole from the round. IAB investigators noted three homes that appeared to have surveillance cameras. These locations were several properties to the east and west and would not have captured the actual shooting. These locations were provided to [redacted] Police. [redacted] Police Department did not locate any witnesses or video surveillance of the shooting. There were no witnesses located and [redacted] was asleep during the shooting.

**WEAPONS USED BY DEPUTY DANIEL EIFERT**

Deputy Eifert fired one 9 millimeter round, from his personally owned Beretta 92FS handgun, serial # BER[redacted].

**PROPERTY DAMAGE:**

None

## CRIMINAL INVESTIGATORS AND CHARGES FILED:

The criminal investigation was being handled by Detective [redacted] of [redacted] Police Department. The [redacted] case still active / open, pending DNA results.

## LIGHTING AND WEATHER CONDITIONS:

IAB investigators noted the lighting conditions at the time of the shooting. The shooting occurred at about 0300 hours. It was still dark out and the area was illuminated by artificial light. Deputy Eifert's [redacted] that faced north down the driveway toward the street. A porch light was also on during the shooting. The porch light was [redacted]. [redacted] did not have any lighting on the east side, where the suspect was located. [redacted] did not have video surveillance installed at [redacted]

*The following is a summary of the recorded interviews of the involved employees, and witnesses statements to IAB investigators. For additional information, refer to the attached verbatim transcripts and/or audio files.*

## INVOLVED EMPLOYEE STATEMENT:

**Deputy Daniel Eifert** was interviewed on October 27, 2018, at 0953 hours, by IAB Sergeants Chapman and Ortega. Deputy Eifert stated he had approximately six hours of sleep prior to the shooting **[Transcripts page 3].** He stated the handgun used during the shooting was his personally owned weapon. Deputy Eifert said the Berretta 92FS, 9 millimeter, was the same type of gun he was issued by the Department, and trained with for approximately twelve years. He stated the handgun contained fifteen rounds in the magazine, and one round in the chamber. He stated he purchased, and attached a tactical light, affixed to the lower gun rail that contained a toggle switch **[Transcripts pages 4, 5].** [redacted]


[redacted]

Deputy Eifert said he got a little closer and realized it was the suspect, squatted down next to his home, facing away from him. Deputy Eifert then yelled at the suspect, asking him what he was doing. The suspect looked at him and stood up quickly **[Transcripts pages 16, 17, 18].**

The suspect slowly moved north away from [redacted] while facing him from about 10 feet away **[Transcripts page 19].** Deputy Eifert and the suspect turned in a counterclockwise motion.

Deputy Eifert stated he told the suspect to get on the ground, while pointing his handgun at him with the flashlight illuminating the suspect. The suspect suddenly stopped in the middle of his yard and was non responsive to the commands. At some point, the suspect's eyes widened and he leaned forward. Deputy Eifert believed he was about to be assaulted and fired one round. Deputy Eifert aimed at the suspect's waistline, due to his backdrop. [redacted]

Deputy Eifert stated from the time he saw the suspect to the shooting was 5 to 6 seconds **[Transcripts page 27].** Deputy Eifert stated after he shot, the suspect ran through [redacted] in a westerly direction. Deputy Eifert stated he went through the open side yard gate to check [redacted] for any other people. Deputy Eifert returned to the front yard and looked down the street to make sure the suspect was not coming back **[Transcripts page 31].** Deputy Eifert called [redacted] Police Department to report the incident and then called his Operations Lieutenant to report the shooting **[Transcripts page 32].**